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# Exhibit A

### IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

P.M., a Minor, By and I nrough Her Parent,		
TERPSEHORE MARAS,	•	CASE NO. 1:21 CV 1711
Plaintiffs,	:	JUDGE SOLOMON OLIVER, JR.
vs.	:	
MAYFIELD CITY SCHOOL DISTRICT BOARD OF EDUCATION, et al.		AFFIDAVIT OF SUPERINTENDENT DR. MICHAEL J. BARNES
Defendants.		
STATE OF OHIO ) ss:		
COUNTY OF CUYAHOGA )		

- I, Dr. Michael J. Barnes, having been duly sworn, do depose and state as follows:
- 1. I am over the age of 18 years old. I have personal knowledge of the following facts and am competent to testify on the matters stated herein.
  - 2. I am the Superintendent of the Mayfield City School District.
- 3. One of my responsibilities as Superintendent is to recommend to the Mayfield City Schools Board of Education (the "Board") policies to protect the health and safety of students in the Mayfield City School District (the "School District").
- 4. On September 3, 2020, pursuant to R.C. 3313.20, 3313.60, 3313.661, and 3313.665, the Board approved Policy No. 8450.01. That Policy authorized masks mandates for students, staff and visitors during periods of increased community transmission of infectious disease. A true and correct copy of Policy No. 8450.01 is attached as <a href="Exhibit 1">Exhibit 1</a>.

- 5. Policy No. 8450.01 contained an exemption for health and developmental reasons. A true and correct copy of the Mask Exemption Request Form is attached as Exhibit 2.
- 6. Policy No. 8450.01 was drafted by counsel for a consortium of school boards and it is my understanding that this same policy is widely used by districts across the state.
- 7. In July 2021, guidance from the Ohio Department of Education ("ODE") through the Ohio Department of Health ("ODH") recommended masking for students:

Because children 11 and younger cannot be vaccinated and less than a third of children 12 to 17 are fully vaccinated, it is strongly recommended that schools implement masking for students layered with other prevention strategies to protect people who are not fully vaccinated.

See July 21, 2021 COVID-19 Health and Prevention Guidance for Ohio K-12 Schools, available at <a href="https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf">https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf</a> (last visited Sept. 8, 2021).

- 8. ODE and ODH specifically noted that research from the prior school year showed that "wearing masks combined with distancing was effective in slowing the spread of the virus."

  Id.
- 9. On August 4, 2021, as the 2021-2022 school year approached, I recommended that the Board institute a face mask recommendation for all students, teachers and staff.
- 10. In the preceding weeks, information about the increasing incidence of COVID-19 and children's susceptibility to the "Delta variant" was starting to emerge and the increase in cases of children infected with Covid-19 eventually emerged later in the month.
- 11. This was consistent with the CDC's guidance which had been "[u]pdated to recommend universal indoor masking for all students, staff, teachers, and visitors to K-12 schools, regardless of vaccination status." *See https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html* (last visited Sept. 8, 2021).

12. On August 5, 2021, the CDC updated its guidance for schools. Specifically, the CDC recommended universal masking for all students, teachers, faculty, and visitors to schools K-12 regardless of vaccination status:

### Key Takeaways

- Students benefit from in-person learning, and safely returning to in-person instruction in the fall 2021 is a priority.
- Vaccination is the leading public health prevention strategy to end the COVID-19 pandemic. Promoting vaccination can help schools safely return to in-person learning as well as extracurricular activities and sports.
- Due to the circulating and highly contagious Delta variant, CDC recommends universal indoor masking by all students (age 2 and older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status.
- In addition to universal indoor masking, CDC recommends schools maintain at least 3 feet of physical distance between students within classrooms to reduce transmission risk. When it is not possible to maintain a physical distance of at least 3 feet, such as when schools cannot fully re-open while maintaining these distances, it is especially important to layer multiple other prevention strategies, such as screening testing.
- Screening testing, ventilation, handwashing and respiratory etiquette, staying home when sick and getting tested, contact tracing in combination with quarantine and isolation, and cleaning and disinfection are also important layers of prevention to keep schools safe.
- Students, teachers, and staff should stay home when they have signs of any infectious illness and be referred to their healthcare provider for testing and care.
- Many schools serve children under the age of 12 who are not eligible for vaccination at this time. Therefore, this
  guidance emphasizes implementing layered prevention strategies (e.g., using multiple prevention strategies together
  consistently) to protect students, teachers, staff, visitors, and other members of their households and support inperson learning.
- Localities should monitor community transmission, vaccination coverage, screening testing, and occurrence of
  outbreaks to guide decisions on the level of layered prevention strategies (e.g., physical distancing, screening testing).

See <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html">https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html</a> (last visited Sept. 8, 2021).

13. The American Academy of Pediatrics ("AAP") strongly endorsed the CDC's position favoring universal face mask requirements in K-12 schools:

The American Academy of Pediatrics (AAP) strongly endorses the use of safe and effective infection control procedures to protect children and adolescents. During the COVID-19 pandemic, effective infection prevention and control requires the correct and consistent use of a <u>well-fitting face mask</u>. Face masks should <u>fit</u> over the mouth and nose and fit snugly along the side of the face without any gaps.

On July 27, 2021, the Centers for Disease Control and Prevention (CDC) issued <u>new guidance</u> that vaccinated people should wear a mask indoors in public if they are in an area with <u>substantial or high transmission</u>, and that <u>universal indoor masking for all teachers</u>, staff, students, and visitors to K-12 schools, regardless of vaccination status, should be implemented for the 2021-22 school year. On July 18, 2021, the AAP already had issued a <u>universal school masking recommendation</u>. Face masks can be safely worn by all children 2 years of age and older, including the vast majority of children with underlying health conditions, with rare exception. Children 2 years of age and older have demonstrated their ability to wear a face mask. In addition to protecting the child, the use of face masks significantly reduces the spread of SARS-CoV-2 and other respiratory infections within schools and other community settings. Home use of face masks also may be particularly valuable in households that include medically fragile, immunocompromised, or at-risk adults and children.

See <a href="https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/cloth-face-coverings/">https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools/</a> (last visited Sept. 8, 2021).

- 14. On August 17, 2021, Governor Mike DeWine encouraged school districts to implement mask mandates. <a href="https://www.dispatch.com/story/news/coronaviru">https://www.dispatch.com/story/news/coronaviru</a> <a href="https://www.dispatch.com/story/news/coronaviru">https://www.dispatch.com/story/news/coronaviru</a> <a href="https://www.dispatch.com/story/news/coronaviru">s/2021/08/17/covid-ohio-gov-mike-dewine-gives-guidance-back-school/8165776002/</a>.
- 15. On August 31, 2021, the ODE, relying on ODH, recommended wearing a mask while indoors to mitigate and lessen the likelihood of quarantine. *See* August 31, 2021 ODE Guidance (attached as Exhibit 3).

- 16. In late August 2021, the Cleveland Clinic also sent the School District a letter imploring the School District institute a mask mandate. *See* August 24, 2021 Letter from the Cleveland Clinic (attached as Exhibit 4).
- 17. On August 20, 2021, based on the evolving recommendations of public health agencies, I recommended that the District's policy should be moved from a mask recommendation to a mask mandate (subject to the exemptions discussed above).
- 18. It was my opinion that a mask mandate applicable to all students, staff, and visitors to school buildings was reasonable and necessary based on increased transmission and incidence of COVID-19 in general and in the schools of other states, as well as the updated/continuing scientific guidance around managing exposure in schools.
- 19. Given the rapidly changing conditions, we also surveyed the parents of students in the School District to determine their preferences regarding mask mandates, and the majority of those responding supported mandating that masks be worn in school.
- 20. Continued research revealed that several other local school districts had instituted mask mandates. The vast majority (37 of 47) of districts in the area have instituted mask mandates and, as of August 20, that included every district contiguous to Mayfield City Schools.
- 21. Further, the mask mandate preserves the academic structure because it minimizes disruptions in education due to lengthy quarantine requirements.
- 22. If an umasked, unvaccinated student is exposed to Covid-19 through close contact with another student who tests positive for Covid-19, the student is required to quarantine for 10 days, regardless of whether he/she test positive for Covid-19. *See* Ohio Department of Health, Guidelines for Quarantine After Exposure in K-12 Classrooms, available at

https://coronavirus.ohio.gov/static/responsible/covid-19-fact-sheet-k-12-exposure-and-quarantine.pdf (last visited Sept. 8, 2021).

- 23. This is not only disruptive to the student's education because he/she is out of school for 10 days, it can also put a significant strain on parents and families.
- 24. However, consistent with the guidance from ODE and ODH, there is no quarantine requirement for students who have been exposed to Covid-19 through close contact with another student who tests positive for Covid-19 if both students were wearing masks. *See* COVID-19 Health and Prevention Guidance for Ohio K-12 Schools, available at <a href="https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf">https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf</a> (last visited Sept. 8, 2021); August 31, 2021 ODE Guidance (<a href="https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf">https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf</a> (last visited Sept. 8, 2021); August 31, 2021 ODE Guidance (<a href="https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf">https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf</a> (last visited Sept. 8, 2021); August 31, 2021 ODE Guidance (<a href="https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf">https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf</a> (last visited Sept. 8, 2021); August 31, 2021 ODE Guidance (<a href="https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf">https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf</a> (last visited Sept. 8, 2021); August 31, 2021 ODE Guidance (<a href="https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf">https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Guidance.pdf</a> (last visited Sept. 8, 2021); August 31, 2021 ODE Guidance (<a href="https://coronavirus.ohio.gov/static/responsible/schools/K-12-Schools-Responsible/schools/K-12-Schools-Responsible/schools/K-12-Schools-Responsible/schools/K-12-Schools-Responsible/schools/K-12-Schools-Responsible/schools/K-12-Schools-Responsible/schools/K-12-Schools-Respon
- 25. Therefore, the mask mandate allows the School District to avoid mass quarantine situations, preserving academic continuity for students and staff.
- 26. Based on all of these factors increase in COVID-19 cases due to the Delta variant, the best practices identified by the ODH, CCBH, ODE, CDC guidance, AAP guidance, the parent survey, and quarantine guidance I recommended to the Board on August 25, 2021 that the School District implement a mandatory mask policy for all students, staff and visitors in Mayfield City schools.
- 27. The mask mandate allows an exemption from the policy due to health and/or safety concerns.
  - 28. I made my recommendation consistent with Mayfield Board Policy 8450.01.
  - 29. The Board accepted my recommendation.

<sup>&</sup>lt;sup>1</sup> See School Guidance for the 2021-2022 School Year, Cuyahoga County Board of Health dated Aug. 3, 2021, available at <a href="https://www.ccbh.net/wp-content/uploads/2021/08/CCBH-School-Guidance-8-3-21-Final.pdf">https://www.ccbh.net/wp-content/uploads/2021/08/CCBH-School-Guidance-8-3-21-Final.pdf</a> (last visited Sept. 9, 2021).

- 30. Resolutions adopting the mask mandates for grades Pre-K through 5 and 6-12 were presented during the August 25, 2021 Board meeting, which was open to the public.
- 31. The mask mandate was included on the agenda for the August 25, 2021 regularly scheduled School Board meeting.
- 32. Parents were given an opportunity to address the mask mandate during open discussion.
- The Board approved the resolutions setting forth the mask mandates on August 25, 2021.
- 34. The mask mandate is based on best practices and guidance from reputable sources including the ODH, CCBH, ODE, CDC and AAP. It protects our students' health and preserves the continuity of their education.

FURTHER AFFIANT SAYETH NAUGHT.

Michael J. Barres

This affidavit has been sworn to and subscribed before me on September 9, 2021.

Notary Public

MARY E. RIZZO

NOTARY PUBLIC - STATE OF OHIO

LAKE COUNTY

My Comm. Expires Oct. 19, 2023

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Att. #12 Regular Meeting September 23, 2020

Book

**Policy Manual** 

Section

Update 39-1 For Review

Title

Vol. 39, No. 1 - August 2020 New PROTECTIVE FACIAL COVERINGS DURING

PANDEMIC/EPIDEMIC EVENTS

Code

po8450.01

Status

Draft

Legal

R.C. 3313.20, 3313.60, 3313.661, 3313.665

#### 8450.01 - PROTECTIVE FACIAL COVERINGS DURING PANDEMIC/EPIDEMIC EVENTS

During times of elevated communicable disease community spread (pandemic or epidemic), the Superintendent will issue periodic guidance through Board of Education plans/resolution(s) in alignment with public health officials and/or in accordance with government edicts and including any Pandemic Plan developed by the District's Pandemic Response Team under Policy 8420.01.

School settings can be a source of community spread. Wearing face masks/coverings is especially important during these times and can help mitigate the risk of exposure from person to person.

As such, during times of elevated communicable disease community spread, the Superintendent may activate this policy by notifying the school community, requiring all school staff, volunteers and visitors (including vendors) to wear appropriate face masks/coverings on school grounds unless it is unsafe to do so or where doing so would significantly interfere with the Districts educational or operational processes.

The Board may require that students shall wear a face mask unless they are unable to do so for a health or developmental reason. Efforts will be made to reduce any social stigma for a student who, for medical or developmental reasons, cannot and should not wear a mask.

If face masks/coverings are required, and no exception is applicable, students shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code, and in accordance with policies of the Board and/or may be reassigned by the Superintendent to an online/virtual learning environment if the Superintendent determines that reassignment is necessary to protect the health and safety of the student or others.

During times of elevated communicable disease community spread as determined by the Board in consultation with health professionals, all students are required to wear masks while being transported on District school buses or other modes of school transportation or while waiting for a school bus outdoors and unable to maintain a distance of six (6) feet or more from individuals who are not members of their household.

#### Use of Mask/Face Covering

Face coverings/masks should:

- A. fully cover the mouth, nose, and chin;
- B. fit snugly against the side of the face so there are no gaps;
- C. not create difficulty breathing while worn; and
- D. be held securely through either a tie, elastic, etc. to prevent slipping.

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Facial masks/coverings generally should not include surgical masks or respirators unless medically indicated (as those should be reserved for healthcare workers) or masks designed to be worn for costume purposes.

All employee facial masks/coverings shall meet the requirements of the appropriate dress/staff grooming policies (Policy 3216/4216). All student facial masks/coverings shall meet the requirements of the appropriate Student Code of Conduct/Student Discipline Code and Policy 5511 Dress and Grooming.

Any person may be required to temporarily remove a face mask or covering when instructed to do so for identification or security purposes. Failure to comply with such a request violates this policy and may lead to disciplinary or other action.

Exceptions to the use of masks/face coverings include when:

- A. facial masks/coverings in the school setting are prohibited by law or regulation;
- B. facial masks/coverings are in violation of documented industry standards;
- C. facial masks/coverings are not advisable for health reasons;
- D. facial masks/coverings are in violation of the school's documented safety policies;
- E. facial masks/coverings are not required when the staff works alone in an assigned work area;
- F. there is a functional (practical) reason for a staff member or volunteer not to wear a facial mask/covering in the workplace;
- G. settings where masks might present a safety hazard (i.e. science labs);
- H. individuals have difficulty wearing a cloth face covering;
- the individual is communicating with students who are hearing impaired or otherwise disabled, where an accommodation is appropriate or necessary;
- the individual is actively participating in outdoor recess and/or physical activity where students are able to maintain a distance of six (6) feet or more or athletic practice, scrimmage, or competition that is permitted under a separate Department of Health order;
- K. the individual is seated and actively consuming food or beverage;
- L. students and staff can maintain distancing of at least six (6) feet and removal of the facial covering is necessary for instructional purposes, including instruction in foreign language, English language for non-native speakers, and other subjects where wearing a facial covering would prohibit participation in normal classroom activities, such as playing an instrument;
- M. students are able to maintain a distance of six (6) feet or more and a mask break is deemed necessary by the educator supervising the educational setting;
- N. an established sincerely held religious requirement exists that does not permit a facial covering.

The Board may be required to provide written justification to the local health officials upon request explaining why a staff member is not required to wear a facial covering in the school. Therefore, if any exceptions are made to the requirement for facial coverings, the request for such exception must be submitted in writing to the individual's supervisor with appropriate documentation provided. A decision on the request will be provided in writing.

#### Use of Face Shields

Face shields that wrap around the face and extend below the chin may be permitted as an alternative to face masks/coverings with permission of the Superintendent as the Board recognizes that face shields may be useful in some situations, including:

#### BoardDocs® Pro

https://go.boarddocs.com/oh/mayoh/Board.nsf/Private?open&login#

- A. when interacting with students, such as those with disabilities, where communication could be impacted;
- B. when interacting with English-language learners or when teaching a foreign language;
- C. settings wheremasks might present a safety hazard (i.e. science labs); or
- D. for individuals who have difficulty wearing a face covering.

If employees receive approval from the District administration after discussing their request not to wear a face mask/covering/shield due to a physical, mental or developmental health condition, and/or if wearing a mask/covering /shield would lead to a medical emergency or would introduce significant safety concerns, the District administration may also discuss other possible accommodations for the staff member. Such discussion shall follow Board policies and guidelines under the ADA.

School nurses or staff who care for individuals with symptoms consistent with those of a communicable disease must use appropriate personal protective equipment (PPE), provided by the school, in accordance with OSHA standards.

When facial masks/coverings are required by the Board, and no exception has been applied, staff members who violate this policy shall be subject to disciplinary action in accordance with policies of the Board.

#### © Neota 2020

Operations 8450.01 F1 Revised 8/13/21

### **Mask Exemption Request**

Student Name:	
Student Birthdate:	Student ID:
Parent/Guardian Name:	
School of Attendance:	
Reason for exemption: (chec	k all that apply)
A form must be completed f Forms must be submitted to	for every student seeking an exemption to the requirement to wear a mask the building secretary.
The Student has a d the disability.	isability and cannot wear a mask, or cannot safely wear a mask, because of
The Student has been	en advised not to wear a mask due to health reasons.
An established since wear a mask.	erely held religious requirement exists that does not permit the Student to
misleading a pub	person from knowingly making a false statement with the purpose of lic official in performing the public official's official function. See Ohio Revised Code Section 2921.13(A)(3).
By signing this form exempti increased risk of exposure to	ing my child from wearing a required face covering, I acknowledge the COVID-19.
Parent/Guardian	Date:



The Ohio Department of Health's goal is to keep K-12 students in school, in-person five days a week. To achieve this goal, schools must work with their local health departments to identify students who are direct contacts of a positive case. In-person learning is very important for the development of our children, and can be conducted safely even in the face of COVID-19, particularly when schools employ layered prevention strategies including vaccination of teachers, staff, and students who are eligible, masking, social distancing, good ventilation, and good hygiene practices. Adopting layered prevention measures in schools now will help ensure students can learn in-person as much as possible this year, and keep children participating in extracurricular activities. Quarantine and isolation remain key strategies for preventing the spread of infectious diseases.

Important note: Exposure risk assessments are necessary and should be conducted by local health departments in cooperation with local schools to appropriately identify who should and should not be quarantined. Local health departments have authority to implement the quarantine and isolation process in accordance with Ohio Revised Code 3707.08.

Personal mitigation strategies to lessen the likelihood of quarantine:

- Get vaccinated if you are eligible.
- · Wear a mask while you are indoors.
- Keep at least 3 foot distance as much as possible. Six feet is best practice.

#### Definitions:

"Case": The student or school staff member who is medically diagnosed with COVID-19. If the person is at school, they should be sent home immediately and follow appropriate isolation procedures as directed by the local health department. This student or staff member should not come to school or participate in extracurricular activities.

"Direct contacts": Direct contacts for COVID-19 are those individuals who are identified as being directly exposed to COVID-19 by the positive case. Remember, COVID-19 is a respiratory virus and does not require physical contact to spread.

Quarantine is NOT required if the direct contact has no symptoms and <u>any</u> of the three criteria below are met.

- The direct contact is fully vaccinated.
   OR
- The school requires masks, maintains physical distance of 3 feet or more, and has documented COVID-19 prevention plans in place.
   OR
- In schools that do not have mask requirements, the direct contact was wearing a mask and maintained physical distance of 3 feet or more.

(Even if the direct contact does not have to quarantine, to help slow the spread of the virus, they should:

- Vaccinated individuals: Get tested 3-5 days after exposure. Wear a mask until that test comes back negative.
- Unvaccinated individuals: Get tested at least 5 days after exposure. Wear a mask until that test comes back negative.)

For those not meeting the above criteria, they must follow quarantine procedures.

#### How the process works:

- 1. Positive case is reported to the school and/or local health department.
- 2. The local health department works with the school to begin the contact tracing process.
- 3. School should assist local health department by providing lists of possible direct contacts.
- 4. The local health department works with the school to assess exposure risk and determines who qualifies as a direct contact through interviews with the case and school officials.
- 5. The local health department determines the level of exposure and decides if the direct contact needs to be quarantined. Points to consider in determining exposure level:
  - a. Interview with direct contact.
  - b. Check vaccination status.
  - c. Determine whether direct contact was wearing a mask.
  - d. Assess direct contact's level of exposure to determine if they spent more than 15 minutes and were less than 3 feet from the case.
- 6. The local health department works with the school to communicate quarantine determination to the direct contacts.
- 7. If voluntary compliance cannot be obtained, children or staff shall be excluded from in-person school and school activities, based on the quarantine order of the local health department, according to Ohio Revised Code 3707.16.
- 8. The local health department is responsible for monitoring students or staff during the quarantine period.
- 9. Quarantined individuals should not participate in in-person activities until they are released from quarantine by the local health department.

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### **AtWork**

August 24, 2021

**Mayfield School District** 

C/O Dr. Michael Barnes, Superintendent

1101 SOM Ctr. Rd.

Mayfield Heights, OH 44124

RE: Masking and other mitigations during Substantial or High Transmission for COVID-19

Dear Dr. Barnes.

As you are aware, COVID-19 cases are on the rise again throughout the country due to the rapid spread of the Delta variant. The CDC recently recommended that people in areas of Substantial or High Transmission should wear masks in indoor public spaces. Cuyahoga County is currently at High Transmission. Therefore, masks are highly recommended in indoor public spaces.

There is a lot of confusion regarding why the CDC "back pedaled" on public masking. In May 2021, the CDC said fully vaccinated individuals no longer needed to wear masks in public. The vaccines currently available are highly effective in preventing transmission, hospitalization, and death from COVID. As a result, the CDC felt that it was safe to allow unmasking for *vaccinated* individuals. Unfortunately, a new variant, Delta, began spreading around the world in late spring and became the predominant strain in the United States in July.

No vaccine is 100% effective, regardless of the disease. The flu vaccine varies from 40-60% effective depending on the year. Pfizer and Moderna are around 95% effective, and Johnson & Johnson is greater than 70% effective. One expects to see a small number of breakthrough cases because people falling into the 5% are still provided some immunity to COVID-19 but to a lesser extent. Therefore, it is possible to get COVID-19 despite being vaccinated. The good news is that vaccinated individuals catching COVID-19 have much less severe illness and rarely end up in the hospital.

Current vaccines are *less effective* against the Delta variant than they were against the original strain of the virus. Therefore, we are now seeing about three times as many breakthrough cases of COVID-19. Vaccinated individuals have viral loads equal to levels in unvaccinated individuals which implies that vaccinated individuals can spread COVID-19 Delta. Although a vaccinated individual will likely have mild illness, there is a potential to spread it to other non-vaccinated individuals, elderly, *unvaccinated children*, and immunocompromised people. In addition, flu season is upon us and although people often dismiss the flu as a serious illness, the annual flu leads to increased ER visits, hospitalizations, and death. Masking helps decrease the spread of all respiratory illnesses, allowing space in the ER and hospital for other serious medical issues such as heart attacks and strokes.

Masking in schools is a controversial topic. Several states are mandating masking in school while other states are forbidding mask mandates. The truth is masks do help to protect the unvaccinated. Children under the age of 12 are not currently eligible for vaccination although approval should be coming this winter for ages 5 to 12. In the meantime, it makes sense from a medical perspective to mask our school age children.

CLEVELAND CLINIC ATWORK

Based in the information above, I am recommending that employers and schools mandate mask wearing indoors in public spaces when community transmission is at High or Substantial. Once community transmission drops below Substantial and remains at that level for two weeks, mask mandates could be dropped. I realize that this is controversial and an unpopular recommendation, but it is the best way to keep employees and members of the community safe during increased times of transmission.

Sincerely,

Amanda Hager, MD, MPH, FACOEM

Medical Director, Cleveland Clinic AtWork